



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Announcing Availability of Violation Tracker in ECHO

FROM: David Hindin, Director *David Hindin*
Office of Compliance

TO: Enforcement Coordinators, Enforcement Division Directors, and Enforcement and Compliance Branch Chiefs

In collaboration with the Office of Civil Enforcement and EPA Regions, the Office of Compliance is pleased to announce the release of a new web-based government-access tool that will help EPA and states run reports and perform analysis on facilities with violations under the CWA, CAA, and RCRA programs. We encourage you to discuss the new tool with your state, local and tribal partners, as we believe the tool can be useful in coordinating on enforcement program implementation. This replaces the Watch List which had become outdated and not aligned with modernized data systems and new enforcement policies. The replacement tool, "Violation Tracker" provides a full range of queries that will allow government agencies to easily pull out data on various violations that are contained in the national data systems. Below is some background on the development process for Violation Tracker.

In response to EPA Office of Inspector General's report, The EPA Should Assess the Utility of the Watch List as a Management Tool (Report No. 13-P-0435), OECA undertook an evaluation of the Watch List program and determined that the burden of implementing the Watch List program was greater than its returned value. As a result of the evaluation, OECA decided to discontinue the Watch List, as explained in the memo from Assistant Administrator Cynthia Giles to Inspector General Arthur A. Elkins Jr. on Oct. 1, 2014. In place of the Watch List, OECA committed to develop a more up-to-date, tailored, and less burdensome approach to improving enforcement performance. Statute-specific workgroups (Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act) with members from Headquarters and the Regions worked to develop a new management tool that EPA can use with states, locals, U.S. territories, and tribes to pull reports for regular discussions about significant noncompliance (SNC) or High Priority Violations (HPV). The new tool is known as the Violation Tracker and can be accessed under the "Oversight" menu in ECHO Gov, the government-only portion of the Enforcement and Compliance History Online website (<https://echo.epa.gov/oversight/violation-tracker> - upon log in with EPA LAN ID and password). OECA believes that the Violation Tracker will be a valuable resource in discussions with states, locals, U.S. territories, and tribes about facilities with significant noncompliance.

The Violation Tracker will have separate search functionality for each statute. The default search criteria will generally identify facilities with SNC/HPV noncompliance that exceed the timeframes identified in the applicable Enforcement Response Policies (ERPs) underlying the Violation Tracker. The Violation



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Tracker also will have functionality for the identification of RCRA secondary violators and CWA Category 1 violations at non-majors as well as other CWA violations not currently screened for SNC. This extended functionality provides a degree of flexibility for users that goes well beyond that of the Watch List. For example, unlike the Watch List, the Violation Tracker does not generate a common list of facilities that all users will see. Rather, different lists of facilities will be returned based upon the input specified by the user in his/her search.

With the release of the Violation Tracker, all guidance relating to or dependent upon the implementation of the Watch List program is void. Additional information about the Violation Tracker can be found in the attached overview document. If you have any questions about the Violation Tracker you may contact Rebecca Kane at kane.rebecca@epa.gov for further information. If you have questions about the applicability of enforcement policies relating to violators, please contact Lauren Kabler at kabler.lauren@epa.gov. We are notifying state enforcement associations, state data stewards, and ECHO Gov subscribers about the availability of the Violation Tracker; however, your efforts to communicate this directly to your staff and to the CAA, CWA, and RCRA staff and managers within state and local agencies would be appreciated.

Attachment

cc: Susan Shinkman, Director, Office of Civil Enforcement
Violation Tracker workgroup members